

### REMARKS

Claims 1 - 20 are pending in the present application. Claims 6 and 17 have been amended to correct obvious grammatical errors. No new matter has been added to the amended claims. Reconsideration of the claims is respectfully requested.

### CLAIM REJECTIONS

#### 35 U.S.C. 103(a) rejection

The Examiner has rejected claims 1-20 under 35 U.S.C. 103(a) as obvious over U.S. Patent No. 4,783,061 to LaBate et al. (hereinafter "LaBate") in view of U.S. Patent No. 5,484,138 to Soofi et al. (hereinafter "Soofi"). Claims 1 and 16 are the only independent claims subject to this rejection, and dependent claims stand or fall with their independent claim.

The Examiner asserts that LaBate teaches an apparatus for lining a tundish including a strut and brace structure covered by a plurality of panels which overlap. The Examiner asserts that Soofi teaches a frame for a lining apparatus for lining a tundish which includes a plurality of adjustable struts and braces. Applicant believes that there are elements of claims 1 and 16 that are neither taught nor suggested by LaBate or Soofi, either alone or in combination.

Claim 1 of the present application recites "adjustable panels capable of relative movement." Claim 16 of the present application recites "panels adapted to slide past each other." The Examiner concedes that the struts and braces taught by LaBate are not adjustable, but asserts that LaBate teaches overlapping panels. However, LaBate is silent with respect to panel overlap. In addition, because the struts and braces of LaBate are non-adjustable, there is no suggestion that the panels of LaBate should be capable of relative movement or adapted to slide past each other.

The Examiner further cites Soofi to supply an element not found or suggested by LaBate. Although the Soofi patent is titled "Consumable Form With Adjustable Walls," it neither teaches nor suggests panels capable of relative movement or adapted to slide past each other. Soofi refers (col. 1, lines 13-14) to "walls whose spacing can be adjusted," but the "adjustability" of these walls refers only to the adjustability of the frame, which is then covered with a mesh that, once in place, has fixed dimensions and cannot be adjusted.

The consumable mesh material, which is not removed during the drying process, permits venting of moisture from the drying refractory material. The mesh material is not removed until it is later melted (consumed) by molten metal being introduced into the

finished trough, runner or vessel. (Soofi, col. 1, lines 40-42)

Only the consumable mesh is disclosed as a covering for the adjustable frame. Soofi does not teach or suggest panels with the properties claimed in the present application.

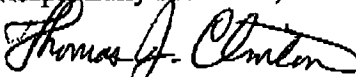
There is no teaching or suggestion that LaBate and Soofi should be combined. LaBate concerns the use of preformed panels. The preformed panels of LaBate cannot move with respect to one another without compromising the integrity of the lining. The struts and braces of LaBate are intended to accurately position the panels just so no unwanted movement is possible. A combination of the LaBate and Soofi references would yield, at best, only preformed, non-adjustable panels suspended from an adjustable form. The benefits of the present invention are not provided by the combination of an adjustable form with a non-adjustable series of panels.

The combination of LaBate and Soofi does not teach or suggest an element contained in both independent claims in the present application: panels capable of relative movement or adapted to slide past each other. For these reasons, the rejection of claims 1 - 20 under 35 U.S.C. 103 (a) is believed to have been overcome.

Applicant respectfully submits that claims 1 - 20 are patentable over the prior art. Early and favorable action is earnestly solicited.

Date:  
APRIL 16, 2007  
Vesuvius  
250 Park West Drive  
Pittsburgh, PA 15275

Respectfully submitted,

  
Thomas J. Clinton  
Reg. No. 40,561